

LETITIA JAMES  
ATTORNEY GENERAL

Via ECF

Honorable Vincent L. B  
United States District C  
Southern District of Ne  
300 Quarropas Street  
White Plains, NY 1060

APPLICATION GRANTED.

Rule 12 does not provide for an automatic stay. However, under the circumstances, defendant Quick's time to answer the complaint is stayed pending the Court's consideration of the pending motion to dismiss. (Doc. #19). After the motion is decided, the Court will instruct the defendants who remain in the case to file an answer by a specific date.

The Clerk is instructed to terminate the letter-motion. (Doc. #24).

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

SO ORDERED:



Vincent L. Briccetti, U.S.D.J.  
November 10, 2020

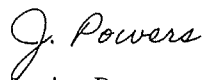
Re: Warren v. Quick, 19-CV-10989

Dear Hon. J. Briccetti:

In this 42 U.S.C. § 1983 action, this office represents all defendants, Mallozzi, Loren, and Quick. The pro se plaintiff, state prisoner Vincent Warren alleged defendant Quick, the inmate grievance supervisor, retaliated against him for filing a grievance by denying him position as alternate to the IGRC Representative. The Complaint also alleged that Defendant Mallozzi and Loren fail to intervene to stop Defendant Quick from "running" the grievance elections "however she pleases."

Defendants Loren and Mallozzi have a FRCP 12(b)(6) motion to dismiss pending before your Honor. (ECF Dkt. Nos. 19, 20, 23). Defendant Quick did not move and has not answered. Defendant Quick would like a clarification as to whether the answer is stayed under FRCP 12(a)(4)(A) while the Court decides the 12(b)(6) motion and if not, to either allow Defendant Quick permission to file the answer after the court decides the motion so that if there is an amended complaint or if there is a discovery conference all remaining or new defendants move in unison. In the last alternative, Defendant Quick would seek permission to file the Answer within seven (7) days.

Respectfully submitted,



Janice Powers  
Assistant Attorney General

USDC SDNY
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DATE FILED: 11/10/2020

*cc via regular mail to:*

Vincent Warren DIN No. 01A3241

Sing Sing Correctional Facility 354 Hunter Street Ossining, NY 10562-5442